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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 DAVID ANDREW COIL,
8 Plaintiff,

9 v.

10 KELSEY BERNSTEIN, *et al.*,
11 Defendants.
12

Case No. 2:24-cv-00304-RFB-DJA

ORDER

13
14 Before the Court for consideration is the Report and Recommendation (ECF No. 24) of the
15 Honorable Daniel J. Albregts, United States Magistrate Judge, entered on April 3, 2025. A district
16 court “may accept, reject, or modify, in whole or in part, the findings or recommendations made
17 by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the
18 findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a).
19 When written objections have been filed, the district court is required to “make a de novo
20 determination of those portions of the report or specified proposed findings or recommendations
21 to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party
22 fails to object, however, a district court is not required to conduct “any review,” de novo or
23 otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140,
24 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by April 17, 2025. No objections
25 have been filed. The Court has reviewed the record in this case and concurs with the Magistrate
26 Judge’s recommendation.

27 Plaintiff is granted leave to file a third amended complaint curing the deficiencies in his
28 claim for excessive bail and claim for legal malpractice against his civil counsel, as described in

1 detail in Judge Albregt's ECF No. 24 Report & Recommendation, within thirty days of the entry
2 of this Order.

3 **IT IS THEREFORE ORDERED** that the Report and Recommendation (ECF No. 24) is
4 **ACCEPTED** and **ADOPTED** in full.

5 **IT IS FURTHER ORDERED** that Plaintiff's (ECF No. 21) Second Amended Complaint
6 is **DISMISSED**.

7 **IT IS FURTHER ORDERED** that the following claims in Plaintiff's Second Amended
8 Complaint are **DISMISSED with prejudice**:

9 Plaintiff's actual innocence claim;

10 Plaintiff's right-to-self-representation claim;

11 Plaintiff's ineffective assistance of counsel claim;

12 Plaintiff's speedy trial claim;

13 Plaintiff's grand jury claim;

14 Plaintiff's legal malpractice claim relating to his underlying criminal case.

15 **IT IS FURTHER ORDERED** that the following claims in Plaintiff's Second Amended
16 Complaint are **DISMISSED without prejudice** and with leave to amend:

17 Plaintiff's claim for excessive bail;

18 Plaintiff's claim for legal malpractice arising from his civil legal malpractice case.

19 **IT IS FURTHER ORDERED** that if Plaintiff seeks to file a third amended complaint, he
20 must do so within 30 days of the entry of this Order.

21 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
22 a copy of this Order.

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24 **DATED:** May 20, 2025.

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27 **RICHARD F. BOULWARE, II**
28 **UNITED STATES DISTRICT JUDGE**